IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.443 OF 2004
IN
WRIT PETITION NO.678 OF 1997

Evershine Enterprises .. Petitioners
V/s
Brihanmumbai Municipal Corpn.& Ors. .. Respondents

Mr.Tushar Bhavsar i/by M/s.Lex Consultus for the Petitioners.

Ms.M.Kajale, AGP for the State.

CORAM: S.RADHAKRISHNAN &
P.V.KAKADE, JJ.
DATE : 3.9.2004.

P.C.:
1. Heard the learned Counsel for the Petitioners and the learned AGP for Respondent No.5 - State. Respondent Nos.1 to 4 are not present though served. By this Notice of Motion petitioners are seeking to recall the order dated 23.8.2004 whereby the petition was dismissed in default on that date. Perused the affidavit in support of the Notice of motion. For the reasons stated therein sufficient cause is shown for recalling of the order dated 28.8.2004. There is no case of inaction, negligence or want of bonafide on the part of the Petitioners. Hence, Notice of Motion is made absolute in terms of prayer clause (a), however subject to the petitioners depositing a sum of Rs.1000/- with the Maharashtra State Legal Services Authority within a period of one week from today. Place the petition on board for final hearing on 20.9.2004.

(S.RADHAKRISHNAN,J.)

(P.V.KAKADE,J.)